

REMARKS/ARGUMENTS

Claims 1 – 75 are currently pending and rejected.

The applicants cancel claims 1, 9, 17, 20, 23, 26, 34, 36, 47, 49, 53 – 58, 60 – 62 and 73. The applicants amend claims 2 – 8, 10 – 16, 18, 19, 21, 22, 24, 25, 27 – 33, 35, 38 – 46, 48, 50 – 52, 59, 63 – 72, 74 and 75. And the applicants add new claims 76 – 90. The applicants cancel claims 1, 9, 17, 20, 23, 26, 34, 36, 47, 49, 53 – 58, 60 – 62 and 73 without disclaiming the subject matter that each recites, and reserve the right to prosecute each of these claims in the future. Claim 6 has been amended to include the previously pending independent claim 1. Claim 14 has been amended to include the previously pending independent claim 12. Claim 22 has been amended to include the previously pending independent claim 20. The applicants respectfully assert that claims 2 – 8, 10 – 16, 18 – 22, 24, 25, 27 – 33, 35, 38 – 46, 48, 50 – 52, 59, 63 – 72, and 74 – 90, as amended, are in condition for allowance for at least the reasons discussed below.

Rejection against claims 2 – 8, 59, 64, 65 and 76 – 80

The applicants respectfully assert that claim 6, as amended, is patentable over U.S. Patent 6,564,380 (Murphy) and U.S. Patent Application Publication 2003/0126595 (Sie) at least because Murphy and Sie each fails to disclose determining whether or not the user qualifies to access a feature of a media player that enhances the playback of media content.

The applicants' claim 6, as amended, recites a method for delivering media content to a user that includes determining whether or not the user qualifies to access a feature of the users' media player that enhances the playback of the media content.

For example, as shown in FIGS. 8 – 12 and discussed in paragraphs 89 – 95, a universal media player can be included in a subscription level and is operable to receive media content in common formats, such as .AIFF, .MP3 and RealVideo, via streaming. In another subscription level the media player can include a set of advanced video

controls that allow the user to control aspects, such as hue and contrast, of how the media content is shown on the user's device, such as a monitor or TV. In yet another subscription level the media player can include a feature that improves the speed with which the media content can be streamed to the media player, and improve the playback of the content during streaming. These advanced video controls and improved receipt and playback of streamed media content enhance the playback of the media content by the media player.

In contrast, Murphy fails to disclose determining whether or not the user qualifies to access a feature of a media player that enhances the playback of media content. Murphy appears to disclose a video feed management system that includes a master authentication server, and a plurality of point-of-presence (PoP) servers that include stored video content and a live, real-time video feed from a camera coupled to the PoP. The master authentication server controls a user's access to the PoP servers. When a user receives stored video content from a PoP server, the user simply plays the content with a media player; the master authentication server does not appear to provide access to additional features of the media player. When a user receives live, real-time video feed from a PoP server, the master authentication server can make a "remote control" feature available to the user. The "remote control" feature allows the user to control the camera coupled to the PoP, and thus change the actual content of the live, real-time video feed that the user receives. The remote control does not appear to enhance the playback of video feed by the user's media player. Therefore, unlike the applicants' claimed method, Murphy's video feed management system does not include determining whether or not the user qualifies to access a feature of a media player that enhances the playback of stored video content or a live, real-time video feed from a camera coupled to the PoP.

Also in contrast, Sie fails to disclose determining whether or not the user qualifies to access a feature of a media player that enhances the playback of media content. Sie appears to disclose a system for delivering video content to a user's TV or computer. The system includes a viewing control system that permits or denies a user from watching a desired video. The viewing control system performs this function by monitoring the time of day that a user requests to view video content, and/or the number

of times a user has viewed the video content. If the user-requested time of day and view number are within the users subscription then the viewing control system permits the user to view the video content; if not, then the viewing control system denies the user the opportunity to view the video content. When the viewing control system does permit a user to view video content, the viewing control system does not appear to enhance the playback of the video content by the user's TV or computer. In addition, other disclosed components of Sie's delivery system do not appear to provide access to additional features of the user's TV or computer media player. Therefore, unlike the applicants' claimed method, Sie's delivery system does not include determining whether or not the user qualifies to access a feature of a TV a computer media player that enhances the playback of video content.

Claims 2 – 5, 7, 8, 59, 64, 65 and 76 – 80, as amended, are patentable at least by virtue of their dependencies on amended claim 6.

Rejection against claims 10 – 16 and 63

Claim 14, as amended, is patentable over Murphy and Sie at least for reasons similar to those recited above in support of amended claim 6 over Murphy and Sie.

Claims 10 – 13, 15, 16 and 63, as amended, are patentable at least by virtue of their dependencies on amended claim 14.

Rejection against claims 18, 19, 21, 22, 24, 66 and 67

Claim 22, as amended, is patentable over Murphy and Sie at least for reasons similar to those recited below in support of amended claim 6 over Murphy and Sie.

Claims 18, 19, 21, 24, 66 and 67, as amended, are patentable at least by virtue of their dependencies on amended claim 22.

Rejection against claims 25, 27 – 33

Claim 25, as amended, is patentable over Murphy at least for reasons similar to those recited below in support of amended claim 6 over Murphy.

Claims 27 – 33, as amended, are patentable at least by virtue of their dependencies on amended claim 25.

Rejection against claims 35, 37 – 45

Claim 35, as amended, is patentable over Murphy at least for reasons similar to those recited below in support of amended claim 6 over Murphy.

Claims 37 – 45, as amended, are patentable at least by virtue of their dependencies on amended claim 35.

Rejection against claims 46, 48 and 50 – 52

Claim 46, as amended, is patentable over Murphy at least for reasons similar to those recited below in support of amended claim 6 over Murphy.

Claims 48 and 50 – 52, as amended, are patentable at least by virtue of their dependencies on amended claim 46.

Rejection against Claims 68 – 72, 74, 75 and 81

The applicants respectfully assert that claim 68, as amended, is patentable over U.S. Patent 6,314,572 (LaRocca) at least because La Rocca fails to disclose providing a media content provider a portion of a subscription fee received from a user.

The applicants' claim 68, as amended, recites a method for allocating subscription fees for media content that includes receiving from a user a subscription fee to allow the user to access media content from a media content provider, and providing the media content provider a portion of the subscription fee.

In contrast, LaRocca fails to disclose providing a media content provider a portion of a subscription fee received from a user. LaRocca appears to disclose a system for distributing content. The content is generated by a content provider and distributed by a service provider who collects a subscription fee from a consumer. LaRocca does not discuss the service provider allocating a portion of the subscription fee to the content provider. Therefore, unlike the applicants' claimed method, LaRocca's service provider appears to not allocate a portion of a consumer's subscription fee to a provider of the content that the service provider distributes.

Claims 69 – 72, 74, 75 and 81, as amended, are patentable at least by virtue of their dependencies on amended claim 68.

Conclusion

The applicants respectfully request that the examiner withdraw the rejection against claims 2 – 8, 10 – 16, 18, 19, 21, 22, 24, 25, 27 – 33, 35, 38 – 46, 48, 50 – 52, 59, 63 – 72 and 74 – 90, as amended, and issue an allowance for these claims.

If, after considering this response, the examiner believes the claims should not be allowed, the applicants respectfully request that before issuing an Office Action, the examiner call the applicants' attorney, Mr. Janeway (425-455- 5575), to schedule a telephone conference to further the prosecution of the claims.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

Dated this 12th day of March 2008.

Respectfully submitted,
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